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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

April 27, 1988

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

VIA CERTIFIED MAIL P 730 161 607

EPA Region 5 Records Ctr.



294581

Mr. Ray Barkhau
L C Cassidy & Son's, Inc.
1918 South Highschool Road
Indianapolis, Indiana 46241

Re: Commissioner of the Department of
Environmental Management

vs.

L C Cassidy & Son's, Inc.
Cause No. A-977

Dear Mr. Barkhau:

This is to advise you that the Commissioner of the
Department of Environmental Management of the State of Indiana
took the following action on April 15, 1988.

The Findings of Fact and Order in the above referenced
cause, which were signed by you on behalf of the Company
were considered.

The Commissioner approved the Findings of Fact and Order in
the above cause and issued the Agreed Order.

A copy of the Order is enclosed. Please note the civil
penalty is due within thirty (30) days after you receive the
approved Order. Payment should be made to the Environmental
Management Special Fund and mailed to 105 South Meridian Street,
Indianapolis, Indiana 46225, Attention: Cashier.

Very truly yours,

C. Edward Taylor
Office of Legal Counsel

Enclosure

cc: Wabash County Health Department
Larry Kertcher, U.S. EPA, Region V
Lee Cloyd, Deputy Attorney General
Edgar Stresino
Andy Cate
General File



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NANCY A. MALOLEY, Commissioner

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STATE OF INDIANA)		BEFORE THE INDIANA DEPARTMENT
)	SS	OF ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION)		
COMMISSIONER OF THE DEPARTMENT)		
OF ENVIRONMENTAL MANAGEMENT,)		
)		
Petitioner)		
)		
v.)		Cause No. A-977
)		
L. C. CASSIDY & SON, INC.,)		
(CASCO MINERAL WOOL))		
)		
Respondent)		

AGREED ORDER

The parties to this cause now wish to settle and compromise this action without hearing or adjudication of any issue of fact or law, and hereby consent to the following Findings of Fact and Order:

FINDINGS OF FACT

Now, therefore, upon the consent of the parties hereto, the following findings are made:

1. The Petitioner is the Commissioner of the Indiana Department of Environmental Management, (also referred to as Commissioner), a department of the State of Indiana duly empowered, pursuant to IC 13-7 and IC 13-1-1 and the rules duly promulgated thereunder, to determine whether or not there is a violation of such laws or rules and to issue Orders with respect thereto as it deems proper.
2. The Respondent is L. C. Cassidy & Son, Inc., which owns and operates a rockwool insulation manufacturing facility (Casco Mineral Wool), located in Wabash, Indiana.

3. The Department of Environmental Management has jurisdiction over both the subject matter and the parties to this action.
4. On August 14, 1987, an inspector from the Office of Air Management inspected Respondent's Casco Mineral Wool facility in Wabash, Indiana and observed five six minute periods where opacity averaged 62.4% overall from the number 1 and number 3 blowchambers. The inspector also observed rockwool particles crossing the property line. On November 2, 1987, the inspector observed open burning of wooden pallets. The above opacity average of 62.4% is an alleged violation of 325 IAC 5-1 which restricts opacity to a maximum of 40%. The rockwool particles crossing the property line is an alleged violation of 325 IAC 6-4 and the open burning of pallets is an alleged violation of 325 IAC 4-1.
5. Pursuant to IC 13-1, IC 13-7 and IC 4-22-1, a Notice of Violation was duly served via Certified Mail, to:

Mr. Ray Barkhau
L. C. Cassidy & Son, Inc.
1918 South High School Road
Indianapolis, Indiana 46241
6. The Respondent no longer uses a paraffin-based oil and will return to the seller the nine drums of that product now in Respondent's possession. Respondent is now using Mulrex-90 oil (a Mobil Oil Company product) in the manufacturing process.
7. Respondent desires to test other products with lower flash points to determine if they comply with the 40% opacity limit.

ORDER

Now, therefore, based upon the Findings of Fact and upon consent of the parties, it is hereby Ordered that:

1. Respondent shall comply with 325 IAC 4-1, 325 IAC 5-1, 325 IAC 6-4 and all other rules and laws of the Indiana Air Pollution Control Board in the future.
2. Respondent shall pay a Civil Penalty in the amount of Two Thousand Six Hundred Dollars (\$2,600.00) to the Environmental Management Special Fund. Said Civil

Penalty shall be due and payable thirty (30) days after Respondent receives the notice that the Commissioner has approved the Agreed Order.

3. The Respondent shall:
 - a. Be permitted to test other oil products. The Office of Air Management shall be notified as to the date and time of any and all said tests.
 - b. Achieve a minimum flash point of 550° F. In the event that testing of other oil products with lower flash points demonstrates compliance with the opacity limit of 40%, said other oil products are subject to approval by the Office of Air Management.
 - c. Provide records of purchase of oil products to the Office of Air Management upon request.
 - d. Dispose of refuse in a lawful manner and shall not open burn.
4. The provisions of this Agreed Order shall apply to Respondent, its agents, successors, employees and assignees and to all persons, firms or corporations acting through or for Respondent.
5. This Agreed Order shall have no force or effect until it is approved by the Commissioner. Full and timely compliance with the provisions of this Agreed Order shall constitute a final resolution of this action.
6. None of the foregoing arguments, statements, stipulations and actions taken by Respondent shall be deemed an admission by Respondent of the allegations contained within the citations, notification of penalty and notice of violation herein. The agreements, statements, stipulation, findings and actions taken herein are made for the purpose of settling this matter economically and amicably and they shall not be used for any other purpose except for proceedings and matters arising under this Agreed Order.

Respondent, by the duly authorized undersigned, hereby consents to the provisions of this Agreed Order and shall be bound by said Order when it is issued by the Commissioner, Department of Environmental Management of the State of Indiana.

TECHNICAL RECOMMENDATION:

By: Edgar F. Stresino
Edgar F. Stresino, Chief
Enforcement Branch Office
of Air Management

Date: April 8, 1988

APPROVED FOR LEGALITY AND FORM

Linley E. Pearson
Attorney General of Indiana

By: Lee Cloyd
Deputy Attorney General

Date: April 8, 1988

Approved and adopted by the Indiana Department of
Environmental Management this 15th day of April, 1988.

L. C. CASSIDY & SONS, INC.
(Casco Mineral Wool)

By: Ray Barkhau
Mr. Ray Barkhau

Title: Exec. Vice President

Date: April 4, 1988

Nancy A. Maloley
Nancy A. Maloley
Commissioner